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DEPARTMENT OF STATE

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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF NURSING
DATE AND TIME:	Wednesday, September 8, 2010 at 9:00 a.m.
PLACE:	Cannon Building, Second Floor Conference Room A 861 Silver Lake Blvd. Dover, DE 19904
APPROVED:	October 13, 2010

MEMBERS PRESENT

Rebecca Walker, President, RN Member
Evelyn Nicholson, Vice President, Public Member
Robert Contino, RN Member (entered 9:44 a.m.)
Robert Draine, Public Member
Dianne Halpern, RN Member
Mary Lomax, Public Member
Barbara Peterson, RN Member
Delphos Price, APN Member
Harland Sanders, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

David Mangler, Executive Director
Patricia Davis-Oliva, Deputy Attorney General
Sandra Wagner, Administrative Specialist III

MEMBERS ABSENT

Kathy Bradley, LPN Member
Lyron Deputy, RN Member
Tracy Littleton, LPN Member

ALSO PRESENT

Stacey Burns, LPN
Tammy Ward, RN
Suzanne Rabb-Long, DE Health Association
Lucille Gambardella, Wesley College
Barbara J. Robinson, Leads School of Technology
Kathy Janvier, Delaware Technical & Community College, Stanton Campus
Connie Bushey, Beebe School of Nursing
Tammy Paxton, Delaware Technical & Community College, Owens Campus
Christie M. L. Hudson, APN

Ms. Walker called the meeting to order at 9:12 a.m.

REVIEW OF MINUTES

The Board reviewed the minutes of the meeting held on July 14, 2010. Ms. Nicholson made a motion, seconded by Ms. Peterson, to approve the minutes with the amendments made during the review. The motion was carried.

ADOPTION OF THE AGENDA

Mr. Mangler indicated that an amended Agenda is found at each member's seat. Mr. Price made a motion, seconded by Ms. Halpern, to adopt the amended agenda. The motion was carried.

ACTIVITIES REPORT

Mr. Mangler provided the report of the number and types of active licenses. He noted that the total number is just short of 18,000.

Total Licenses = 17,971 (as of 9/7/2010 at 6 p.m.)

APN = 1,084

APN Permits = 2

RN = 14,155

RN Permits = 33

GN Permits = 1

LPN = 2,732

LPN Permit = 3

GPN Permit = 0

UNFINISHED BUSINESS

There was no unfinished business before the Board.

COMMITTEE REPORTS

Rules & Regulations

The Committee has been reviewing and revising the rough draft of Section 2.0 and is anticipating having a final draft completed after their next meeting scheduled for September 21st. The Committee will be recommending moving Section 2.0 forward in the process separately from any other Sections.

Practice & Education Committee

Dr. Contino presented an overview of the Committee meeting held on August 27, 2010.

Scope of practice issues - The Committee reviewed the common questions regarding whether certain cosmetic/dermatologic procedures are within the scope of practice for the RN. Specifically, use of non-cutting laser for hair removal, injection of botulinum toxin such as Botox®, injection of dermal fillers such as Restalin®, JUVÉDERM®, etc., and the injection of spider veins, i.e. scleral therapy. Based on the recommendation of the Committee, Mr. Price made a motion, seconded by Ms. Halpern, that if the nurse, following the scope of practice decision tree, finds that all conditions are met, that these procedures would be within the scope of practice of the RN.

By unanimous vote, the motion carried.

The Committee reviewed a request that the reading of a radiograph for the placement of the tip of a peripherally inserted central catheter (PICC) be considered within the scope of practice of a specifically trained RN. Based on the recommendations of the Committee, Mr. Price made a motion, seconded by Ms. Peterson, to allow that the reading of radiographs for "tip placement" following insertion of a Peripherally Inserted Central Catheter (PICC) would be within the scope of practice for an advanced

practice nurse who has received further training and evaluation of competence to do so. The Board finds that this is outside the scope of practice of an RN.

By unanimous vote, the motion carried.

The Committee also conducted an initial review of an application submitted for approval to establish a nursing education program. The results will be reported under Educational Issues later in the Agenda.

PRESIDENT'S REPORT

Ms. Walker provided an overview of the major topics from the NCSBN Annual Meeting and Delegate Assembly. The APN Consensus Model Rules are in the process of being implemented in other states. Dr. Susan Hassmiller spoke at the meeting regarding the upcoming release of the Institute of Medicine's report on The Future of Nursing and the implications for regulatory bodies such as boards of nursing.

Ms. Walker spoke to the development of a legislative agenda for the Board for the upcoming Legislative Session.

EXECUTIVE DIRECTOR'S REPORT

Mr. Mangler reported the beginning of the upcoming RN and APN license renewal cycles beginning with those licenses with an expiration date of February 28, 2011. Renewal notices will go out in December. The first group in the cycle is the smallest in volume.

Mr. Mangler informed the Board that he and Ms. Walker would be presenting at a break-out session of the upcoming 7th Annual Regional Conference for Health Care Professionals – 21st Center Visions of Nursing at Christiana Care Health System on September 16th. The session topic is "Protecting your Professional License."

NEW BUSINESS BEFORE THE BOARD

LICENSEE APPLICATION REVIEWS

By Examination

Lauren McNulty – Ms. McNulty is an applicant with a conviction history. She pled guilty to criminal mischief, a crime found at the Board's Rule 15.3.5, in February 2006. A probation document indicates discharge from probation on 9/26/2006. Mr. Price made a motion, seconded by Dr. Peterson, to propose to deny licensure based on the conviction in 2006 for a crime found to be substantially related to the practice of nursing. By unanimous vote, the motion carried.

Danielle Turner – Ms. Turner is an applicant with a conviction history of possession/use schedule I – V non-narcotic which was amended and pled guilty to disorderly conduct, a crime found at the Board's Rule 15.6, in March 1998. She is requesting a waiver in accordance with 24 DelC §1910(5). Mr. Price made a motion, seconded by Ms. Halpern, to grant Ms. Turner a waiver and approval to sit for the NCLEX and be licensed upon passing the NCLEX-RN. By unanimous vote, the motion carried.

Zamara Molina-Muniz – Ms. Molina-Muniz is an applicant for RN licensure by exam who has held a license to practice in Puerto Rico that has been expired since 2004. She graduated in May of 1999. Ms. Molina-Muniz is requesting to sit for the NCLEX-RN. Puerto Rico, although a territory of the U.S., does not base licensure on the NCLEX. Mr. Price made a motion, seconded by Dr. Peterson, to have Ms. Molina-Muniz submit evidence of successful completion of an NCLEX-RN review course prior to sitting for the NCLEX and further, upon success on the NCLEX that her application be again presented to the Board for consideration regarding a period of supervised clinical practice on a temporary permit prior to being issued a license. By unanimous vote, the motion carried.

Kelly Johnson – Ms. Johnson is an applicant for RN licensure by exam who graduated in 2000 with a single attempt to pass the NCLEX in 2000. She is requesting permission to test ten years after graduation. Ms. Johnson successfully completed an NCLEX-RN review course recently. Ms. Nicholson made a motion, seconded by Ms. Halpern, to grant a waiver for Ms. Johnson to sit for the NCLEX. During the Board's discussion Mr. Price asked if it would be appropriate to consider requiring Ms. Johnson to complete a period of supervised clinical practice before licensure. The motion was amended by Ms. Nicholson, with Ms. Halpern in agreement, to include that the Board retains the jurisdiction over possible further requirements prior to licensure, if Ms. Johnson is successful on the NCLEX.

By unanimous vote, the motion, with its amendment, carried.

Jasmine Collins – Ms. Collins is an applicant for licensure as an RN by exam with a conviction history. She pled guilty to criminal mischief, a crime found at the Board's Rule 15.3.5, in May 1999. Ms. Collins is requesting a waiver in accordance with 24 DelC §1910(5). Mr. Price made a motion, seconded by Mr. Draine, to grant Ms. Collins a waiver and approval to sit for the NCLEX and be licensed upon passing. By unanimous vote, the motion carried.

By Endorsement

Mariann Baker – The Board has previously reviewed Ms. Baker's application and found at the time of review that there was no provision for waiving the PN education requirement. Senate Bill 286, which was signed into law earlier this summer, now provides the Board with the ability to once again consider Ms. Baker. Finding that Ms. Baker completed a substantial portion of a nursing education program and was licensed continually in Maryland with no disciplinary history, Dr. Peterson made a motion, seconded by Mr. Draine, to approve Ms. Baker for licensure in Delaware by endorsement. By unanimous vote, the motion carried.

Maricar Roberts – Ms. Roberts is a graduate of a foreign nursing education program who graduated in April 2007. Ms. Roberts was recently issued a license in California by exam (NCLEX) and has not practiced as a registered nurse since graduation. Ms. Roberts is applying for licensure in Delaware by endorsement. Mr. Price made a motion, seconded by Dr. Peterson, to require that Ms. Roberts successfully complete a period of supervised clinical practice on a temporary permit before granting a license. By unanimous vote, the motion was carried.

Megan Smakulski – Ms. Smakulski is an applicant who graduated in May 2006 with multiple attempts to pass the NCLEX. She was recently licensed in 2010 in Pennsylvania by examination. Ms. Smakulski is four years since graduation with no practice since and does not meet the practice requirement for licensure by endorsement. Dr. Peterson made a motion, seconded by Dr. Contino, to require that Ms. Smakulski successfully complete a period of supervised clinical practice on a temporary permit before being granted a license. By unanimous vote, the motion was carried.

Suzanne Penny – Ms. Penny has no active license in any jurisdiction and has not practiced in a number of years. An active license is required during the duration of the application process. She has held a number of licenses in the past, one in a non-Compact State (PA), the others all issued by Compact States (NC, MD, VA). She has attempted to re-instate her PA license. PA has a similar requirement related to completion of PA Board-approved refresher course. Ms. Penny chose to complete a refresher course that was not approved by the Pennsylvania Board. The Pennsylvania Board will not reinstate her license until she has successfully met the PA requirement. Her application is otherwise complete and is being presented for Board action. Mr. Price made a motion, seconded by Ms. Nicholson, to table Ms. Penny's application at this time. Mr. Mangler is to send a letter to the applicant indicating that the application is tabled pending receipt of evidence of current, active licensure in another jurisdiction. By unanimous vote, the motion was carried.

Shirley Thompson – Ms. Thompson, an applicant for licensure by endorsement, has had disciplinary action in another jurisdiction (Maryland) in 2002. She also established legal residence in Delaware in August 2009. The Nurse Compact License law in all Compact States requires a licensee who moves from one Compact State to another to obtain a license in the new Compact State within 30 days of establishing legal residence in the new State. Ms. Thompson appears to have been practicing in Delaware without a valid license or permit for approximately 12 months. A complaint has been initiated for investigation of the unlicensed practice. Mr. Price made a motion, seconded by Dr. Peterson, to propose to deny the application for Ms. Thompson based on her disciplinary history in Maryland. By unanimous vote, the motion carried.

Rosanna Weidman – Ms. Weidman, an applicant for licensure by endorsement, has a criminal conviction history for prostitution, a crime found in the Board's Rules at 15.6.16, in 1974 and 1979, is requesting a waiver in accordance with 24 *Del.C.* §1910(5). The Board reviewed and considered Ms. Weidman's statement and the numerous letters of reference in support of her licensure. Dr. Peterson made a motion, seconded by Mr. Price, to grant Ms. Weidman's request for a waiver and license her by endorsement. By unanimous vote, the motion carried.

Reinstatement

Kelly Phillips – Consideration of Ms. Phillip's application was tabled at the request of the Board's counsel until after the Board reviews and votes on a Consent Agreement for Ms. Phillips later in the agenda.

Advanced Practice Nurse

Christie Hudson – Ms. Walker recognized Ms. Hudson's request to address the Board. Ms. Hudson addressed the Board regarding the fees associated with an applicant trying to return to practice in Delaware. Ms. Hudson indicated that it appears that the fee for reinstatement includes a portion that is a penalty and if applied to every individual applying for reinstatement assumes that regardless of reason for not renewing a license, the person should suffer a penalty. She further outlined that the ability to apply for an "inactive license" carries with it the same reinstatement requirements as a lapsed license regardless of whether the inactive status is for 6 months or 6 years and urges the Board to consider establishing Rules around re-activation of the license that are not meant to appear to penalize the licensee. Mr. Price asked Mr. Mangler for clarification on the current Rules regarding reinstatement and the inactive status. Mr. Mangler indicated that Ms. Hudson's presentation was preceded by conversations and the opportunity to review the Rules. Mr. Collins, the Director of the Division of Professional Regulation and Mr. Mangler have been exploring the establishment of a "late" renewal period for nurse licenses during which a nurse license that expired at the end of a renewal cycle could still be renewed, with a penalty. Mr. Mangler also agreed that Ms. Hudson's points did offer an opportunity for the Board to review some specific Rules and Regulations. Ms. Hudson thanked the Board for the opportunity to speak and looked forward to doing whatever she might be able to do to assist in any of this work. Mr. Price made a motion, seconded by Dr. Lomax, to have a small sub-committee address the points made by Ms. Hudson. Dr. Peterson stated that she felt that this should be address by the Board's Rules & Regulations Committee. Board members discussed why having a couple Board members specifically work with the Division of Professional Regulation to draft changes may be more expeditious and that the results of that work should then go to the Rules & Regulations Committee. By unanimous vote, the motion carried. Mr. Mangler is to coordinate dates/times with Mr. Price and Dr. Lomax to meet with him and Mr. Collins. Ms. Davis-Oliva offered to be a part of the meetings as it may well involve changes to the license law.

Claudia Cannon – Ms. Cannon holds an active Delaware RN license. Ms. Cannon is making application as an APN (Family Nurse Practitioner). Ms. Cannon has a conviction history related to a

guilty plea to Disorderly Conduct in November 1999, a crime found in the Board's Rules at 15.6. Ms. Cannon is requesting a waiver for the conviction. Dr. Contino made a motion, seconded by Ms. Nicholson, to grant Ms. Cannon a waiver and approval for licensure in Delaware. By unanimous vote, the motion carried.

Renewal
None

ASSIGNMENTS/ASSIGNED BOARD CONTACT PERSON

The following complaints were assigned to a Board contact person.

11-46-10 Lyron Deputy	11-50-10 Dianne Halpern
11-47-10 Stacy Burns	11-51-10 Dianne Halpern
11-48-10 Lyron Deputy	11-52-10 Tracy Littleton
11-49-10 Robert Contino	11-54-10 Tracy Littleton

The Board unanimously ratified the assignments.

CLOSED COMPLAINTS

Cases 11-38-07, 11-73-07, 11-10-08, 11-76-08, 11-35-09, 11-78-09, 11-35-08, 11-36-08, 11-67-08, 11-70-08, 11-80-07, 11-91-07, 11-74-08, 11-13-09, 11-77-08, 11-78-08, 11-79-08, 11-12-09, 11-46-09, and 11-103-07 were dismissed by the Attorney General's Office.

Cases 11-02-10 and 11-46-10 were closed by the Division of Professional Regulation.

HEARINGS/CONSENT AGREEMENTS – RATIFICATION & SIGNATURE

Hearings - None

CONSENT AGREEMENTS

Mary T. Nairn, RN/APN – Following review of the contents of the Consent Agreement, Mr. Draine made a motion, seconded by Mr. Price, to accept the Agreement. By unanimous vote, the motion carried. Ms. Nair shall be issued a **LETTER OF REPRIMAND**.

Kelly A. Phillips, RN – Following review of the contents of the Consent Agreement, Dr. Contino made a motion, seconded by Mr. Price, to accept the Agreement. By unanimous vote, the motion carried. Ms. Phillips shall be issued a **LETTER OF REPRIMAND** and also shall complete **REMEDIAL EDUCATION** within 120 days totaling six hours. Following the Board's review and acceptance of the Consent Agreement, Ms. Nicholson made a motion, seconded by Dr. Contino, to reinstate Ms. Phillips's license. By unanimous vote, the motion carried.

Dawn M. Long, LPN – Following review of the contents of the Consent Agreement and discussion, Dr. Peterson made a motion, seconded by Mr. Price, to reject the Consent Agreement for Ms. Dawn Long, LPN. The motion to REJECT was carried by unanimous vote. A hearing is to be scheduled for Ms. Long.

Zandra J. Sauers, RN – Following review of the contents of the Consent Agreement, Mr. Price made a motion, seconded by Dr. Contino, to accept the Agreement. By unanimous vote, the motion carried. Ms. Sauers shall be issued a **LETTER OF REPRIMAND**.

Melody Jones, RN – Ms. Jones's license is currently in the status of Temporary Suspension. Following review of the contents of the Consent Agreement and discussion, Mr. Price made a motion, seconded by Dr. Contino, to accept the Agreement. The motion was carried by a majority of a quorum of the Board with Dr. Lomax abstaining. Ms. Jones's license shall be **SUSPENDED INDEFINITELY** pending the outcome of criminal charges.

Ashley Wyatt, RN – Ms. Wyatt's license is currently in the status of Temporary Suspension. Following review of the contents of the Consent Agreement and discussion, Ms. Nicholson made a motion, seconded by Dr. Contino, to accept the Agreement. By unanimous vote, the motion carried. Ms. Wyatt's license shall be **SUSPENDED** for a period of three (3) years with numerous restrictions and requirements attached during the period of suspension to be followed by a period of Probation if requirements were sufficiently met during the suspension period.

HEARING PANEL FINDINGS/DECISIONS/ORDERS

None

HEARINGS

Minutes follow the Board meeting minutes.

LEGISLATIVE UPDATE

Senate Bill 286 was signed by the Governor allowing the Board, in specific circumstances, to waive the education requirement (graduate of a practical nurse education program) for an LPN applying for licensure by endorsement who is found to meet all other requirements for licensure; establishing a "nurse educator" seat on the Board; and converting one LPN Board seat to an RN seat.

REVIEW OF COMPLIANCE

None

PRACTICE WITHOUT LICENSURE REVIEWS

There was one instance of practice without a license – previously discussed during review of applications (Thompson).

PRACTICE ISSUES

The Board periodically receives calls from nurses (wishing to remain anonymous for fear of retribution from the employer) stating that their supervisor, manager, employer has "threatened" to report them to the Board for patient abandonment. In every instance described in these calls, the situations do not fit the definition of abandonment, but rather fall into a general category of the nurse being asked to continue to work another shift. Mr. Mangler and Ms. Davis-Oliva developed an informational sheet related to "abandonment" that will be placed in the FAQ section of the Board's webpage.

EDUCATIONAL ISSUES

Delaware Technical & Community College, Owens Campus – faculty additions.

Elizabeth Cahall, RN, BSN (part time)

Michelle Given, RN, MSN (Full time)

Carrie Robinson, RN, MSN (Full time)

Lea Ann VanBuskirk, RN, BSN (Full time)

Catherine Murphy, RN, MSN (Part time)

Continuing Education Provider Approval Requests

Mr. Mangler indicated to the Board that applications from three providers of continuing education for nurses had been reviewed and recommended that the Board grant approval for the providers. Mr. Price made a motion, seconded by Dr. Lomax, to approve the following providers:

Language Liaisons (renewal)

Walgreens Infusion & Respiratory Services

Mental Health Association in Delaware.

The motion was carried by unanimous vote.

University of Delaware – Ms. Walker reported that the University of Delaware's School of Nursing has voluntarily withdrawn from the NLNAC accreditation process. She further clarified that the School remains accredited by the CCNE. She reiterated that their decision was a voluntary decision to maintain accreditation by a single, recognized national body rather than by two.

JMJ School of Health Sciences – Dr. Contino presented the results of the Board's Practice & Education Committee's initial review of the application to establish a nursing education program by this entity. Despite the absence of evidence of some fundamental requirements, i.e., accreditation by the Middle States Association of Colleges and Schools and evidence of the authorization to confer a degree or diploma, the Committee did an initial review of the materials submitted. He presented the recommendation that the Board table any further review of this application until sufficient evidence is provided of the accreditation and authorization mentioned. Highlights of the initial findings that require this entity to address were made. The Board members agreed that the application should be tabled and that Mr. Mangler should communicate, via certified mail, with the entity regarding the deficiency and the other initial findings requiring clarification identified by Dr. Contino.

LICENSURE ISSUES

None

NCSBN

Ms. Nicholson presented the concept of "sentencing guidelines" to the Board as a topic from the Annual Meeting breakout session that she attended. Other states have or are in the process of developing these. They provide guidance in the range of sanctions applied to specific violations of the law and Rules. Mr. Mangler indicated that the Division of Professional Regulation is also in the process of developing these as they move toward implementing the use of Hearing Officers for specific types of cases.

Ms. Nicholson also shared the discussion of national standards for non-licensed medication aides. Mr. Mangler shared that the NCSBN owns the national standardized exam for medical aides as well as a standardized curriculum for both nursing assistants and medication aides.

LICENSEE APPROVAL

Mr. Price made a motion, seconded by Ms. Nicholson, to ratify the Licensee List as presented. The motion was carried by unanimous vote.

PUBLIC COMMENT

Those in attendance introduced themselves with no comment.

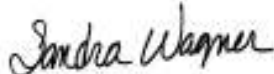
SCHEDULED MEETING

The next regularly scheduled meeting will be held on October 13, at 9:00 a.m. in the Cannon Building, 861 Silver Lake Blvd, Suite 203, Conference Room A, Dover, DE 19904.

ADJOURNMENT

There being no further business, Mr. Price made a motion, seconded by Ms. Halpern, to adjourn at 11:16 a.m. The motion was unanimously carried.

Respectfully submitted,



Sandra Wagner

Administrative Specialist III
Delaware Board of Nursing

HEARING – Jonathan Dash

The Delaware Board of Nursing held a hearing on September 8, 2010, at 11:25 a.m. in the Second Floor Conference Room, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Rebecca Walker, Evelyn Nicholson, Barbara Peterson, Dianne Halpern, Harland Sanders, Delphos Price, Mary Lomax, Robert Draine, and Robert Contino

RECUSED: None

EXCUSED: Lyron Deputy, Kathy Bradley, and Tracy Littleton

PURPOSE: Proposal to Deny

PRESIDING: Rebecca Walker, President

BOARD STAFF: David C. Mangler, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, Esq.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Jonathan Dash

COUNSEL FOR THE RESPONDENT: Gary Aber, Esq.

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: Mary Cullen

COURT REPORTER PRESENT: Terry Burke, Wilcox and Fetzer

TIME STARTED: 11:25 a.m.

The court reporter took verbatim testimony. The Board introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed that Mr. Dash was present for the Hearing. Mr. Aber entered his appearance as counsel for Mr. Dash. Ms. Davis-Oliva entered documents collectively as Board's Exhibit 1. The Exhibit was circulated among the Board members. Respondent's counsel entered documents as Respondent's Exhibits 1 - 17. Testimony was offered by Mr. Dash. Board members questioned Mr. Dash. Ms. Cullen provided testimony on behalf of Mr. Dash. There were no questions from the Board for Ms. Cullen. The Board went off the record for deliberations at 12:10 p.m. The Board went back on the record at 12:14 p.m. Ms. Nicholson made a motion, seconded by Ms. Peterson, that based on the evidence and testimony presented, Mr. Dash meets the qualifications to sit for the examination and be granted a license, if successful.

The motion was carried by a majority vote of the quorum, with Mr. Price abstaining.

The hearing concluded at 1:16 p.m.

HEARING – Sharon Morsbach

The Delaware Board of Nursing held a hearing on September 8, 2010, at 12:20 p.m. in the Second Floor Conference Room, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Rebecca Walker, Evelyn Nicholson, Barbara Peterson, Dianne Halpern, Harland Sanders, Delphos Price, Mary Lomax, Robert Draine, and Robert Contino

RECUSED: None

EXCUSED: Lyron Deputy, Kathy Bradley, and Tracy Littleton

PURPOSE: Proposal to Deny

PRESIDING: Rebecca Walker, President

BOARD STAFF: David C. Mangler, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, Esq.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Sharon Morsbach

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Terry Burke, Wilcox and Fetzer

TIME STARTED: 12:20 p.m.

The court reporter took verbatim testimony. The Board introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Morsbach was present for the Hearing and without counsel and further established in the affirmative that Ms. Morsbach was aware of her right to be represented by counsel and that she was proceeding pro se. Ms. Davis-Oliva entered documents as Board's Exhibit 1. The Exhibit was circulated among the Board members. Ms. Morsbach entered documents marked Morsbach Exhibits 1 – 3. Ms. Morsbach offered testimony. The Board went off the record for deliberations at 12:37 p.m. The Board went back on the record at 12:39 p.m. Based on the testimony given, Mr. Price made a motion, seconded by Ms. Lomax, to grant licensure in the State of Delaware.

The motion was unanimously approved.

The hearing concluded at 12:40 p.m.

HEARING – Comanda Kearney-Clark

The Delaware Board of Nursing held a hearing on September 8, 2010, at 3:01 p.m. in the Second Floor Conference Room, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Rebecca Walker, Evelyn Nicholson, Barbara Peterson, Dianne Halpern, Harland Sanders, Delphos Price, Mary Lomax, and Robert Draine

RECUSED: None

EXCUSED: Lyron Deputy, Kathy Bradley, Tracy Littleton, and Robert Contino

PURPOSE: Proposal to Deny

PRESIDING: Rebecca Walker, President

BOARD STAFF: David C. Mangler, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, Esq.

DEPUTY ATTORNEY GENERAL FOR THE STATE: None

RESPONDENT: Comanda Kearney-Clark

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: None

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Terry Burke, Wilcox and Fetzer

TIME STARTED: 3:01 p.m.

The court reporter took verbatim testimony. The Board introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Ms. Kearney-Clark was present for the Hearing. She further established, in the affirmative, that Ms. Kearney-Clark understood her right to be represented by counsel and that she was proceeding without counsel. Ms. Davis-Oliva entered the documents as Board's Exhibit 1. Ms. Kearney-Clark entered documents as Kearney-Clark Exhibit 1. The Exhibits were circulated among the Board members. Ms. Kearney-Clark offered testimony regarding her addiction to alcohol, the Contract/Order that she is currently under with the Pennsylvania Board of Nursing, her treatment history and her current status in regards to support groups, treatment, and monitoring with the Pennsylvania Board. Board members asked questions of Ms. Kearney-Clark which were answered. The Board went off the record for deliberations at 3:18 p.m. The Board went back on the record at 3:22 p.m. Mr. Price made a motion, seconded by Ms. Nicholson, to license Ms. Kearney-Clark contingent on the continued monitoring/treatment contract with Pennsylvania. Ms. Kearney-Clark must provide the Pennsylvania Board of Nursing with release forms so that the Executive Director of the Delaware Board of Nursing can receive progress reports, random screen reports, and communicate with the case manager at the Pennsylvania Board.

The motion was unanimously approved.

The hearing concluded at 3:25 p.m.

Disciplinary Hearing

HEARING MINUTES

HEARING – Terry M. McCarthy

The Delaware Board of Nursing held a hearing on September 8, 2010, at 1:15 p.m. in the Second Floor Conference Room, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

PRESENT: Rebecca Walker, Evelyn Nicholson, Barbara Peterson, Dianne Halpern, Harland Sanders, Delphos Price, Mary Lomax, and Robert Draine

RECUSED: None

EXCUSED: Lyron Deputy, Kathy Bradley, Tracy Littleton, and Robert Contino

PURPOSE: Disciplinary Hearing

PRESIDING: Rebecca Walker, President

BOARD STAFF: David C. Mangler, Executive Director, and Sandra Wagner, Administrative Specialist III

DEPUTY ATTORNEY GENERAL FOR THE BOARD: Patricia Davis-Oliva, Esq.

DEPUTY ATTORNEY GENERAL FOR THE STATE: Barbara Gadbois, Esq.,

RESPONDENT: Terry M. McCarthy (absent)

COUNSEL FOR THE RESPONDENT: None

WITNESSES FOR THE STATE: Detective Sgt. Thomas Lee, David Mangler, Scott C. Taylor

WITNESSES FOR THE RESPONDENT: None

COURT REPORTER PRESENT: Terry Burke, Wilcox and Fetzer

TIME STARTED: 1:15 p.m.

The court reporter took verbatim testimony. The Board introduced themselves. Ms. Davis-Oliva described the reason for the hearing. Ms. McCarthy was not present for the Hearing. Ms. Gadbois entered the documents as State's Exhibit 1. The Exhibit was circulated among the Board members. Ms. Gadbois called Det. Sgt. Lee, Mr. Taylor, and Mr. Mangler as witnesses. The witnesses testified. The Board went off the record for deliberations at 1:36 p.m. The Board went back on the record at 1:56 p.m.

Based on the evidence and testimony provided, Mr. Price made a motion, seconded by Ms. Peterson, to revoke Terry McCarthy's license in the State of Delaware.

The motion was carried by a majority of the quorum of the Board with Mr. Draine abstaining.

The hearing concluded at 1:58 p.m.